

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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3 16-CR-608 (NGG)

4 UNITED STATES OF AMERICA,

United States Courthouse  
Brooklyn, New York

5 -against-

May 18, 2018  
11:30 a.m.

6 ROLAND BEDWELL,

7 Defendant.

8 -----x  
9 TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING  
10 BEFORE THE HONORABLE NICHOLAS G. GARAUFIS  
UNITED STATES SENIOR DISTRICT JUDGE

11 APPEARANCES

12 For the Government: RICHARD P. DONOGHUE, ESQ.  
United States Attorney  
13 Eastern District of New York  
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16 For the Defendant: LAW OFFICES OF EDWARD V. SAPONE  
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18 BY: EDWARD SAPONE, ESQ.

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23 Proceedings recorded by mechanical stenography. Transcript  
24 produced by computer-aided transcription.

1 (In open court.)

2 THE COURTROOM DEPUTY: All Rise.

3 THE COURT: You may be seated in the back.

4 COURTROOM DEPUTY: Criminal cause for sentencing.

5 Counsel, state your appearances.

6 MR. SPEKTOR: Good morning, your Honor. Andrey  
7 Spektor and Nicholas Moscow for the United States.

8 MR. SAPONE: Good morning, your Honor, Edward Sapone  
9 for Mr. Bedwell, who is standing to my right and ready to be  
10 sentenced.

11 MR. PALMIERI: Vito Palmieri for Mr. Bedwell as  
12 well.

13 THE COURT: Good morning, everyone. Good morning,  
14 sir.

15 THE DEFENDANT: Good morning.

16 THE COURT: This is a sentencing for Mr. Bedwell  
17 Mr. Bedwell, are you satisfied with the assistance your  
18 attorneys have given you thus far in this matter?

19 THE DEFENDANT: Okay, very well.

20 THE COURT: Before we get started, I was just handed  
21 a handwritten, two-page document that I don't know what it is,  
22 except it's a letter of some kind, Honorable Judge, whatever  
23 that judge is, signed by someone. I don't know who this  
24 person is.

25 I've been reviewing these papers for days and all of

1 a sudden now I've got something else here from someone who has  
2 no address and is just making a statement.

3 What am I supposed to do with this at this stage of  
4 the proceedings? I have hundreds of pages of material, sir,  
5 and now I've got this. You want me to put this off until we  
6 figure out who this is, and where it's from, and what its  
7 pedigree is?

8 MR. SAPONE: Not at all, your Honor. If I may I ask  
9 to withdraw that. It came in this morning.

10 THE COURT: From where?

11 MR. SAPONE: An inmate.

12 THE COURT: It came in to me in the back of this  
13 courtroom in the hallway, is where it came in. It didn't come  
14 in with a letter from you. It didn't come in with an address.  
15 It didn't come in with telling me who this person is and how  
16 this happened. This is serious matter. I gave you plenty of  
17 notice that I might upwardly depart, that's because you were  
18 entitled to it, I wanted to be fair to your client.

19 MR. SAPONE: Yes, your Honor.

20 THE COURT: Now I have something that's like --  
21 should I go out and read this now?

22 MR. SAPONE: Not at all. If I could just take  
23 thirty seconds, your Honor. I walked into court this morning  
24 and that was placed in my hand.

25 THE COURT: What the heck. It was placed in your

1 hand, is that how we do business in the United States District  
2 Court?

3 MR. SAPONE: Not at all.

4 THE COURT: I don't know who wrote this, somebody on  
5 the subway could have written it.

6 MR. SAPONE: I would like to withdraw that, your  
7 Honor.

8 THE COURT: This is not a way to run a litigation.  
9 I'll just leave it here to remind me.

10 What if it were the other way around and I got a  
11 nasty letter about Mr. Bedwell and someone handed it to my  
12 clerk and I read it in the back and it affected my perspective  
13 on Mr. Bedwell negatively, would you like that?

14 MR. SAPONE: I wouldn't. You know what, your Honor,  
15 I've learned something. From now on --

16 THE COURT: Did you share it with the Government?

17 MR. SAPONE: I did right away. We actually read it  
18 together. But that was a mistake I shouldn't have given it to  
19 you.

20 THE COURT: Who gave it to you?

21 MR. PALMIERI: Mr. Bedwell gave it to me, your  
22 Honor.

23 THE COURT: When was that?

24 MR. PALMIERI: Just this morning when I came in to  
25 see him in the back.

1                   THE COURT: Well, it's very troubling. All right.

2                   Let's get to the business at hand. I have the  
3 following materials that I've reviewed for the purposes of the  
4 sentencing. There is a presentence investigation report  
5 prepared March 12, 2018. Has everyone seen that?

6                   MR. SAPONE: Yes, your Honor.

7                   MR. PALMIERI: Yes, your Honor.

8                   THE COURT: Have you shared it with your client?

9                   MR. SAPONE: Yes, your Honor.

10                  THE COURT: Good. There is an addendum to the  
11 presentence report dated April 20, 2018, has everyone seen  
12 that?

13                  MR. SPEKTOR: Yes, your Honor.

14                  MR. SAPONE: Yes.

15                  THE COURT: Have you shared it with your client?

16                  MR. SAPONE: Yes, your Honor.

17                  THE COURT: Good. And the addendum primarily  
18 discusses the formula for the offense level.

19                  THE DEFENDANT: Yes.

20                  THE COURT: Slightly revises it, but we'll get to  
21 that. There is an extensive sentencing memorandum from the  
22 defense dated April 10, 2018.

23                  MR. SAPONE: Yes, your Honor.

24                  THE COURT: Very good job.

25                  MR. SAPONE: Thank you, your Honor.

1                   THE COURT: Congratulations.

2                   Then there is the Government's April 19, sentencing  
3 memorandum with Exhibits.

4                   MR. SPEKTOR: Yes, your Honor.

5                   THE COURT: Have you seen those documents?

6                   MR. SAPONE: Yes, your Honor.

7                   MR. PALMIERI: Yes, your Honor.

8                   THE COURT: In addition, there are several more  
9 items. There is a letter with exhibits from the defense dated  
10 May 1st, 2018, which talks about deterrence. And I think this  
11 is in response to the Court advising you that I was  
12 considering an upper departure from the guideline range.

13                  MR. SAPONE: Yes, your Honor.

14                  THE COURT: Right. I read that as well.

15                  MR. SAPONE: Thank you.

16                  THE COURT: And then there is Mr. Bedwell's letter  
17 to the Court that I've read that was provided to the court on  
18 May 2, 2018, with a cover letter from the defense. Have you  
19 seen those documents?

20                  MR. SPEKTOR: Yes, your Honor.

21                  THE COURT: Then in addition, I'm note sure when we  
22 received it, but there is a binder with sentencing memorandum  
23 exhibits, have you seen those?

24                  MR. SPEKTOR: Yes, your Honor.

25                  THE COURT: I think that came in recently, did it

1 not?

2 MR. SAPONE: Yes.

3 THE COURT: And then there is a sentencing  
4 memorandum from the defense dated April 10.

5 MR. SAPONE: So the binder and the memo that your  
6 Honor just referred to are the hard copies of what was ECF'd.

7 THE COURT: That's fine.

8 MR. SAPONE: And the Government has seen it all.

9 THE COURT: I reviewed all this material. You've  
10 seen that?

11 MR. SPEKTOR: Yes, your Honor.

12 THE COURT: I think that's what that's it.

13 MR. SAPONE: Yes.

14 THE COURT: Anything else that I'm missing?

15 MR. SPEKTOR: No.

16 THE COURT: I've reviewed all these documents and I  
17 thank you for the effort that you all put in. This was an  
18 excellent job.

19 MR. SPEKTOR: Thank you.

20 THE COURT: By everybody.

21 MR. SAPONE: Thank you.

22 THE COURT: At this point let's go over the  
23 calculation of the guideline.

24 The defendant pleaded guilty to Count Four of the  
25 Indictment charging him with Hobbs Act extortion. And in his

1       plea agreement he cited to relevant conduct that the Court  
2       could consider with regard to Counts Five and Six, I believe.  
3       Count Five is Hobbs Act extortion conspiracy, Count Six is  
4       attempted Hobbs Act extortion. Do I have that right?

5                    MR. SPEKTOR: Yes, Judge.

6                    MR. SAPONE: Yes.

7                    THE COURT: Okay. Now if we look at the addendum to  
8       the presentence report, I think there is general agreement  
9       that the addendum gets the calculation correct.

10                  MR. SAPONE: Correct.

11                  THE COURT: Is that a fair statement?

12                  MR. SPEKTOR: Yes.

13                  THE COURT: According to the addendum, dated  
14       April 20, 2018, the total offense level is a 24. It's agreed  
15       that the defendant is criminal history category one, and the  
16       range of imprisonment under the guideline is 51 to 63 months  
17       in the custody of the Attorney General. Everyone agree?

18                  MR. SPEKTOR: Yes.

19                  MR. SAPONE: Yes.

20                  THE COURT: The Court agrees as well.

21                  That brings us to the next step of the sentencing  
22       process. By the way, let me ask, are there any victims, other  
23       than Mr. Sharp who has written an affidavit that the Court has  
24       read, are there any other victims who wish to be heard or who  
25       have filed any materials for the Court's consideration?

1                   MR. SPEKTOR: Your Honor, we've made all the victim  
2 notifications, I don't believe there are any victims today. I  
3 haven't seen any in the courtroom. I haven't received any  
4 statements from the victims.

5                   THE COURT: Let me ask just generally, anyone in the  
6 gallery, are there any victims of the defendant's Hobbs Act  
7 extortion who wish to be heard? Thank you. Very good.

8                   The next step in the process is to consider the  
9 relevant factors under 18 United States Code, Section 3553(a)  
10 in order to impose a sentence that is sufficient but not  
11 greater than that necessary to fulfill the purposes of  
12 sentencing. I will say that in reviewing the record here,  
13 initially, before the original date of sentencing it was clear  
14 to the Court that some of the defendant's behavior was  
15 extremely troubling and that I felt that a sentence in the  
16 guideline range might not be sufficient to fulfill the  
17 purposes of sentencing in terms of punishment, general  
18 deterrence, and dealing with the effect of organized crime on  
19 public safety. And so I advised the parties that I would  
20 consider submissions with regard to possible upward departure.  
21 Those materials were received and I considered them.

22                   And now I would like to hear first from the  
23 Government and then from the defense as to the two things,  
24 one, whether I should impose a sentence above the guideline;  
25 second, what sentence would be appropriate.

1           I do understand that in the plea agreement the  
2 defendant agreed that he would not appeal or otherwise  
3 challenge a sentence I impose if it is 71 months or below.  
4 And of course that is eight months, I believe, below -- above  
5 the guideline range.

6           I also understand that the Government has, and the  
7 defense have agreed in that document, that the Government  
8 could make a recommendation within the guideline range of the  
9 sentence that the Court might impose. So the Government,  
10 which ordinarily doesn't make such a recommendation and the  
11 plea agreements don't ordinarily have such a provision, the  
12 Government negotiated that provision for this plea agreement.  
13 So I understand all of that.

14           So let's move on. Let me hear from the Government  
15 as to the factors under 3553(a).

16           MR. SPEKTOR: Thank you, your Honor. I'll just say  
17 up front that we're asking for 63 months in no way suggesting  
18 that a sentence above is what we are recommending. I want to  
19 make that clear. Obviously there is a range of reasonable  
20 sentences, but our position is that 63 months is the sentence  
21 that the Government is recommending.

22           I'll start with the conduct. I think everyone  
23 agrees the conduct in this case is serious. I think the  
24 defendant and the defense team agree that it's serious. It's  
25 offensive and has gone on for a long time. We've submitted to

1 your Honor a recording that a Gregg Sharp made in which the  
2 defendant describes exactly what he's been doing for years, so  
3 there is no dispute as to what he's done.

4 I'm not going to read into the record all of these  
5 exhibits that we've provided, but just to give your Honor just  
6 to focus on a few, to highlight how egregious some of this  
7 conduct is. This is what defendant is. This is what we know  
8 he's been doing for years, Exhibit 1B, he said, "Either you're  
9 going to sign the contract and your men will live with it, and  
10 they will, or these boys are going to do it again. Now,  
11 understand the type of crew I have now. They don't like the  
12 idea that one that their home and this company is working  
13 non-union, and these men who don't even belong to this  
14 country, are taking their jobs and they don't like it. They  
15 are not happy about it. Honestly, whatever they do or don't  
16 do is pretty much up to them."

17 This is what we know the defendant has been doing  
18 for years. We've been investigating this for more than five  
19 years, the FBI organized crime squad. We know he's been going  
20 around extorting construction owners, this is the type of  
21 extortion that he's been doing. We've made clear in our  
22 submission, and I talked to defense counsel from the beginning  
23 of this case, this is not a case where he shows up with a gun  
24 and says your contract or your brain, it's not that case. But  
25 it doesn't make this case any less serious.

1           I think what he's been doing for years, what he's  
2 been doing to construction owners and the workers is very  
3 serious. The affect of his conduct is widespread. Most  
4 immediately it affected the construction business, owners, but  
5 also a spill-over into the public. He talked about creating  
6 traffic jams, accidents; we know that's true. He's affected  
7 the businesses that need this construction work to be done.

8           I think, moving on from the conduct itself, there is  
9 a need for specific deterrence. The defendant admittedly  
10 doesn't have a heavy criminal record, if you look at his rap  
11 sheet. But it's deceiving. He had hadn't lived exactly a law  
12 abiding life.

13           Just before his arrest, according to the PSR, he  
14 threw metal debris at another car and was arrested for that.  
15 There are other less significant arrests, but I think most  
16 importantly, he's been doing this sort of extortion for years.  
17 That's the life he's led.

18           And he's talked about it in Exhibit 1H. He said, "I  
19 was shutting everybody down. I got to be honest with you, I  
20 don't know how I don't have any felonies against me."

21           Exhibit 1I, he says, "So I do like I'm one for the  
22 rules? I'm an asshole. Fuck you and fuck your rules. I'm  
23 going to do what I want to do."

24           In 1J he said, "I don't know care either way because  
25 I'll go to jail, I already proved that."

1           In 1M, "I don't care about all the rules and  
2 regulations, like I said, the animals I got on the streets now  
3 they don't care either. They are sick. Don't forget they did  
4 six months in jail, they'll laugh at that too."

5           Before the defendant was arrested and I wanted to  
6 see what effect an arrest on federal extortion would have on  
7 this defendant, someone who was doing this for years, someone  
8 who care about going to jail, I wanted to see if it was all  
9 puffery or if he would really change with the arrest. What I  
10 saw is he didn't change, Judge.

11           The federal arrest on extortion charges seemed to  
12 have no effect on him. He was released on bail, as your Honor  
13 recalls, he continuously violated his bail condition by  
14 consuming cocaine. He did it repeatedly and shockingly after  
15 scheduled a hearing about his violation.

16           Your Honor, remanded him. Then when in jail he was  
17 still talking about, he didn't care, he doesn't know why  
18 everyone thinks it's such a big deal. He said in jail, "If I  
19 had it in my hands right now, I'd probably do a hit right.  
20 Now big deal, doesn't even fucking phase me."

21           The anxiety that he expressed in jail calls was over  
22 what Anthony Franco, a knowing Gambino soldier, thought of  
23 him, not about the sentence he's getting today, that's what  
24 concerned him.

25           THE COURT: Do you have any information as to what

1 Mr. Franco's role was in the operation of Local 175?

2 MR. SPEKTOR: Yes, your Honor. I think his title is  
3 funds administrator.

4 THE COURT: Who is the funds administrator?

5 MR. SPEKTOR: Mr. Franco is. But I think he's  
6 running the union as far as we understand.

7 THE COURT: Your position is that he's a made member  
8 of the Gambino crime family?

9 MR. SPEKTOR: Yes, promoted recently to soldier. He  
10 was previously an associate, and now we know him to be a  
11 soldier. One of the victims was brought to see, with  
12 Mr. Bedwell, Anthony Franco, which we briefed in our 404B  
13 motion.

14 THE COURT: Say that again?

15 MR. SPEKTOR: As we explained in our 404B motion,  
16 when we thought this case was heading for trial, one of the  
17 victims was actually brought to see Mr. Franco, along with  
18 this defendant. What we argued in that motion was that --

19 THE COURT: I'm sorry, that wasn't Mr. Sharp?

20 MR. SPEKTOR: No, it was.

21 THE COURT: It was someone else.

22 MR. SPEKTOR: Someone else.

23 THE COURT: Go on.

24 MR. SPEKTOR: I think what I said about his cocaine  
25 use, after he was arrested and after your Honor scheduled a

1 bail hearing, goes to the need for specific deterrence. As  
2 your Honor identified, there is a great need for general  
3 deterrence in this case as well there is a need for general  
4 deterrence in this industry. As we know and we've previewed  
5 in our letter, the construction industry does have some shark  
6 practices. There are unions who put pressure on construction  
7 owners, not to the same extent as the defendant and not to the  
8 extent that we believe to rise to federal extortion, but there  
9 are some pressures exerted on owners. I think that a sentence  
10 today will send a message within the industry that there is a  
11 line not to be crossed. It's fine to advocate for union, it's  
12 not fine to put people in harm's way, to puncture tires, to  
13 unhook trailers, to run trucks off the road.

14 THE COURT: And shut down work sites.

15 MR. SPEKTOR: Yes, your Honor, shut down work sites  
16 as well. There is a need for deterrence within this union.

17 I was shocked to learn that as of 2017, based on  
18 these disclosures that the Department of Labor provided us,  
19 that the union has \$252,201 of assets for 558 members, which  
20 I'm told is not very much, but that paid the defendant \$65,000  
21 while he was under Indictment the same year where he pled  
22 guilty as a former business manager, so he's still collecting  
23 a paycheck from the union.

24 THE COURT: It's not a pension.

25 MR. SPEKTOR: It's not listed as a pension. He's

1 listed as a former business manager.

2 I've learned that the union is paying for his  
3 defense, as of 2017 it was over \$65,000 for his defense. So I  
4 think there is a need to deter the union as well.

5 THE COURT: That's the same \$65,000?

6 MR. SPEKTOR: No different. Another \$65,000 for his  
7 defense.

8 As of 2017, I don't know what it is in 2018. There  
9 is a need to send a message to the union. Mr. Bedwell should  
10 not be replaced with someone like Mr. Bedwell.

11 Finally, your Honor alluded to there is a need to  
12 send a message to the organized crime elements in this case.  
13 The Gambino crime family tried to isolate itself by employing  
14 Mr. Bedwell. We've made clear Mr. Bedwell is not a member of  
15 the Gambino crime family, but a need for deterrence --

16 THE COURT: You don't have to be a member of a Cosa  
17 Nostra family to be affiliated with a Cosa Nostra family.  
18 Would you consider him an associate of organized crime? Is  
19 that what we're talking about here? I don't see it anywhere  
20 in the paperwork, but it would seem that in the traditional  
21 sense that your office has identified collaborators with La  
22 Cosa Nostra, he could be considered an associate of organized  
23 crime.

24 MR. SPEKTOR: It's not the position we're taking in  
25 this case. I don't have enough evidence to say that he's an

1 associate. I think the Gambino crime family has used them,  
2 but it's too strong based on evidence we have to call him  
3 an associate.

4 THE COURT: Go ahead.

5 MR. SPEKTOR: He has boasted with -- we talked about  
6 this in the 404(b) motion, about his affiliation with the  
7 crime family. He's used that as part of the extortion, as  
8 part of the reputation. I appreciate the fine line of  
9 affiliate and associate, I don't want to overstate the  
10 evidence that we do have.

11 THE COURT: All right.

12 MR. SPEKTOR: Judge, the final point for general  
13 deterrence is it's difficult to prosecute these cases at the  
14 state level. You look at the extortion he's done, it could be  
15 viewed in isolation as assault. It's difficult to deter  
16 those. It's difficult to prosecute them as prove them in  
17 isolation because these laborers and truck drivers make  
18 reluctant witnesses. It's only because we've had this  
19 investigation with the FBI for five, six years that we're able  
20 to put this together. It was, in part, because of the  
21 recording that we have. We're not always going to have that.  
22 It's important to have general deterrence so crimes like this  
23 are prosecuted.

24 He talked about how he's gotten away with it for so  
25 long. Talked about in exhibit 1G, how the cops in the Bronx

1 really don't give a fuck. And he explained in 1R --

2 THE COURT: About what?

3 MR. SPEKTOR: About shutting down job sites. About  
4 stopping truck drivers in the middle of road.

5 THE COURT: Like the Long Island Expressway.

6 MR. SPEKTOR: And the Cross Bronx Expressway that he  
7 mentioned as well, your Honor.

8 Finally, Judge, I want to end by just talking about  
9 some of the victims that are perhaps not as apparent from the  
10 indictment. I had a chance to meet with them as I was  
11 preparing for trial.

12 Perhaps I was naive, I was only thinking this case  
13 through a legal lens. I was thinking of the business owners  
14 who lost money as the victims. There are the John Does in the  
15 Indictment. As I was preparing for trial, I met with the  
16 truck drivers and laborers. I was really moved to hear from a  
17 truck driver who is at the end of a long shift in a dark road.  
18 And he's doing -- he has a long shift, he wants to get through  
19 his shift, see his family. And he's stopped by these, what  
20 the defendant called them animals, thugs, and threatening him.  
21 And they puncture his tires. Then he starts driving, it's a  
22 heavy truck loaded with asphalt, he doesn't have control of  
23 the truck. If he had made a turn without realizing that, that  
24 could have been deadly.

25 This is why this case is so serious, that's just one

1 incident.

2 We learned about another truck driver who was  
3 punched in his nose, his nose was broken, his glasses were  
4 broken. He couldn't continue working.

5 Those are just some of the people I think that are  
6 just as much victims as the named victims in the Indictment.  
7 That is why this case so, so serious. And why general and  
8 specific deterrence, counsel is in favor of the top of  
9 guidelines, Judge.

10 THE COURT: Thank you.

11 MR. SAPONE: May I, your Honor?

12 THE COURT: Sure, go right ahead.

13 MR. SAPONE: I want to first introduce the Court to  
14 Mr. Bedwell's family in court. Most notably his two sons  
15 referenced in the documents, we have Michael and Christopher.

16 THE COURT: Thank you. Thank you for coming.

17 MR. SAPONE: Yes, your Honor. So, your Honor, I  
18 want to take a step back and say I'm very sorry to have given  
19 you that letter. I hope you'll accept my apology for that.  
20 That's not the way I wanted to start today's proceedings.

21 THE COURT: Okay, that's fine.

22 MR. SAPONE: So, your Honor.

23 THE COURT: It has nothing to do with how I will  
24 sentence the defendant, one way or the other. It's just  
25 something that I couldn't consider because its pedigree is

1 unknown to me.

2 MR. SAPONE: Yes, and you're right, your Honor.

3 THE COURT: You understand that.

4 MR. SAPONE: Yes, 100 percent.

5 THE COURT: Go ahead.

6 MR. SAPONE: So I learn something there. And I  
7 learned something, your Honor, 14 years ago when I attended a  
8 seminar in Long Island and you were on a panel with attorney  
9 Benjamin Brafman. What I learned was regarding sentencing.  
10 It was sort of reiterated at the last conference sentence, the  
11 whole person, that was something that stuck with me from then  
12 throughout my career. And I thought I would the start today's  
13 oral discussion with the whole person.

14 THE COURT: Well, I always -- any time I'm with Ben  
15 Brafman I'm learning something. So we all have a lot to learn  
16 from a lot of people who are very experienced.

17 MR. SAPONE: It trickles down.

18 So what I was most impacted by, your Honor, in terms  
19 of the whole person and Mr. Bedwell's history and  
20 characteristics, because make no mistake about it, there are  
21 two sides to this man. Obviously, the one side which you just  
22 heard, and the writing was excellent, from the Government.  
23 The oral advocacy from the Government was very professional,  
24 is that the conduct is reprehensible. One thing you're not  
25 going to hear from me or Mr. Palmieri is anything about that

1 to the contrary. The conduct is reprehensible, not to be  
2 tolerated. A message has to be sent, no doubt about it.

3 What I want to focus on, following from something  
4 your Honor had said in the last conference, let's talk about  
5 some of good things. And one of the good things, the thing  
6 that most impacted me, your Honor, is that in 1997 Mr. Bedwell  
7 after many years of marriage to a woman named Danielle, that's  
8 Michael's mother, Christopher's mother also, in 1997  
9 Mr. Bedwell and Danielle had gotten divorced.

10 Approximately four years later Danielle conceived  
11 another child, Christopher, with another man. What most  
12 impacts me about this man's history and characteristics is  
13 that where someone in his position could let's just say not  
14 take any responsibility for someone like Christopher. It's  
15 not his responsibility. He's not his blood, not his  
16 biological child. Mr. Bedwell is divorced from Danielle. All  
17 Mr. Bedwell needs to do to be a good father was be a father to  
18 his son, Michael, and raise him.

19 But what impacts counsel is that as Michael says in  
20 Exhibit DD of our sentencing memorandum, no one asked my  
21 father to take responsibility for Christopher, yet he did.  
22 And when Michael asked his father, Why did you do that all  
23 these years? I believe Christopher is 17 years of age now,  
24 why did you raise him like he was your son and be a father to  
25 him. Mom had that relationship after the fact with another

1 man. The answer was, quote, "No child should be without a  
2 friend in life." And that's the other side to Mr. Bedwell,  
3 your Honor.

4 Yes, his mouth and the things that came out of it  
5 are reprehensible. At times the things he did and the things  
6 that he said, no excuse. But there's a man also on the flip  
7 side who has, according to all of the letters which are in the  
8 double digits, a very big heart and is there for people when  
9 no one is looking.

10 I'll share a little about counsel. I share a  
11 certain sentencing committee for the New York Criminal Bar  
12 Association. I'm blessed to travel the country and speak to  
13 judges. Last week I interviewed Judge Amon and Edgardo Ramos  
14 from the Southern District of New York. And what I learned  
15 from my travels when sentencing, Courts look at a defendant,  
16 it's easy for defendants to do things after they get arrested,  
17 after they get caught and a spotlight on them. So his work in  
18 the kitchen for the last year at MDC, I won't even go into  
19 that, that's after the fact. It's when no one is looking, I  
20 was taught. When no one is looking, what is he doing.

21 Yes, there is bad here, no doubt about that. But  
22 also he's helping so many people. And the letters from the  
23 workers are into the dozens about the type of the man that he  
24 was on the flip side, the other side to Mr. Bedwell.

25 So I was most struck by him raising that boy for the

1 last 17 years as if he was his own biological child. He sees  
2 no difference between Michael and Christopher, Mr. Bedwell.

3 THE COURT: You know, people raise children that are  
4 not their biological children and love them every day. And it  
5 speaks well of Mr. Bedwell that he embraced Christopher and  
6 raised him, and I give him high marks for doing that. Let me  
7 not hesitate to make mention that to you. It's very important  
8 that he recognized a moral or emotional or family obligation  
9 based on his relationship with his former wife, and the fact  
10 that he wanted to care for and love her son. I think that  
11 speaks very well of him. So I understand that completely.

12 MR. SAPONE: Yes, thank you, your Honor. And the  
13 time when he was no longer with her is what strikes me.

14 THE COURT: Right.

15 MR. SAPONE: Second is his treatment of Danielle.  
16 It's not every day that an ex-spouse goes to bat for someone  
17 the way Danielle has gone to bat for Mr. Bedwell. We've seen  
18 it. What strikes me is when Danielle's mother was on the  
19 death bed, I think in the letter from Mr. Bedwell's sister,  
20 they are Exhibit A of our sentence memo, they were dating at  
21 that point, Mr. Bedwell and Danielle. Mr. Bedwell promised  
22 Danielle's mother that he would always take care of Danielle.  
23 He was like 20 years old at the time. It was such a large  
24 statement for a young man to make. And here we are, all these  
25 years later, 2018, and the marriage ended 21 years ago. And

1 according to Mr. Bedwell's sister, and this Exhibit A, the  
2 marriage didn't last but he never stopped caring for Danielle  
3 and he's in her life until today. And she's one of his best  
4 friends.

5 I thought that also spoke well of the man because at  
6 a time where he's accused of such serious offenses and there  
7 is the recording and certain articles that I've read, it would  
8 be very easy for an ex-spouse to say, yeah, I knew back then  
9 he was no good and turn her back on him. That's not the case.

10 I think his treatment of her after the divorce and  
11 for all these years speaks well of his character also.

12 Thirdly, and maybe this isn't so difficult for a  
13 man, but the way he's been with his own son Michael. I know  
14 you read everything, your Honor, I know it was a lot.

15 Briefly in DD Michael says, "My father and I have a  
16 dream of owning or own home together and him one day being a  
17 grandfather and watching my future children."

18 I think it's wonderful that although Mr. Bedwell was  
19 addicted to cocaine, as it says in the memo, for 40 years, his  
20 son could have been upset and especially now turn his back on  
21 his dad. He wants to own a home with his dad. That is a  
22 tremendous blessing, that we sit here in court and he's in the  
23 back row, and this is what he wants the Court to know. I  
24 think it speaks so well of him.

25 I have seen so many defendants, many of whom are my

1 own clients, when they have that addiction they are not such a  
2 good dad, they don't go to work and work hard. The cocaine,  
3 the drugs, really gets to them in a way that makes them  
4 useless. And while Mr. Bedwell's hard work, one of the  
5 hardest working people I've read about, all the hours, in no  
6 way moves over to the other column in terms of what the  
7 Government has said in connection with some of his work. It  
8 shouldn't go without being noticed that he also put tremendous  
9 hours into work and cared about the men. And I was stricken  
10 also from all the letters from the workers, not only Mr. Sharp  
11 and his affidavit, all the other letters. There is no doubt  
12 in another sense, on another level, nothing to do with the  
13 circumstances of this offense, he truly did care about working  
14 hard and did it seven days a week. I think that was very  
15 clear in here.

16 Your Honor, I know the case is so serious and if I  
17 were the Government I would start with those facts too. One  
18 thing I want to mention, and see if your Honor would consider,  
19 the guidelines themselves account for a lot of it because we  
20 have a somewhat high-base offense level, which we don't see in  
21 other types of criminality. And it doesn't stop there in  
22 terms of the guidelines properly addressing this kind of case.  
23 Because we get plus two for the threats of bodily injury, plus  
24 four for the leadership, plus two for any monetary loss.

25 And then we accepted full responsibility in the plea

1 agreement, we didn't just plead to Count One and forget about  
2 the rest. We put in there specifically, and consider all the  
3 relevant conduct, so we have the grouping. And the grouping,  
4 not like other cases, here adds another two levels.

5 So when we arrive at 51 to 63 month advisory range,  
6 I just didn't want it to go unnoticed that this is the type of  
7 guidelines analysis, unlike others, where I'm thinking that  
8 the guidelines themselves and Congress does get it right on  
9 addressing the kind of case that we're dealing with.

10 Your Honor, I don't want to belabor the statistics  
11 in terms of the possibility of an upward variance or  
12 departure. What I want to say is this, I want to correct  
13 something in my own memorandum. Which was, before the sort of  
14 second half action of the litigation coming up to sentencing,  
15 I had asked for 36 months, your Honor probably remembers that.

16 The reason I asked for it is, if your Honor were  
17 considering a downward variance the national median for cases  
18 like this is 36 months. I'm no longer asking for that because  
19 we're able to learn here. We're not going to dig our heels in  
20 the sand and say but he's a great guy and he's a great father  
21 and we're still asking for that. I want to take that away and  
22 ask your Honor to consider 51 months. That's my formal  
23 request to you.

24 And the reason for that is when we look at the  
25 guidelines and the argument I just made about the guidelines

1 and Congress adequately addressing this situation, then the  
2 question is what about the whole person, what about the rest  
3 of the man being sentenced. This is not someone who has a  
4 criminal history category six or a career offender in a  
5 category one, as the Government points out. I know there is  
6 some disorder conduct and acquittal in the Bronx. But it's  
7 still a criminal history category one, not like other  
8 defendants.

9                 There is so much to say as 3553(a)(1) and his  
10 history and characteristics, which I'm not going to belabor,  
11 it's all in the documents.

12                 Because the guidelines adequately address this  
13 situation, including all the specific offense characteristics  
14 and all the additions that I just mentioned, then you balance  
15 that against the other factors of statute, that is what I hope  
16 to be considered the rational basis for my request of 51  
17 months.

18                 In terms of that upward issue. I would just note,  
19 very quickly, that the Government and probation are asking for  
20 63 months. The national average of cases across the board,  
21 not just this kind of case, in terms of every single case in  
22 federal court in the 13 circuits is a 2.1 percent upward  
23 departure or variance. In this circuit, in the Second  
24 Circuit, only 1.1 cases that result that way. In this  
25 courthouse and in Central Islip in the Eastern District of New

1 York, 1.2 percent.

2           But I wanted to be more intellectually with that. I  
3 wanted to share that but then sort of ration it down. What  
4 about extortion and racketeering, it goes up a little bit,  
5 it's 2.8 percent in terms of country's average. And then --

6           THE COURT: 2.8 percent.

7           MR. SAPONE: Of cases result upward.

8           THE COURT: Above the guideline.

9           MR. SAPONE: Above the guidelines in extortion and  
10 racketeering cases.

11           Then most specifically, I'll end with this on this  
12 part of my presentation. I looked at 2B3.2, which is cases  
13 exactly like this, where there is force or threats of serious  
14 bodily injury. There the national average, I don't have the  
15 Eastern District of New York statistics, but only 4.8 percent.  
16 So in the country in cases exactly like this one, less than  
17 five cases would go up.

18           I think that because Mr. Bedwell does have so much  
19 to say in terms of his other side, right, the things that I  
20 had mentioned, things on papers, I'm asking you to consider  
21 within the guidelines and the 51 months.

22           Roland had said that the things that he said on the  
23 MDC recording, which is like a defense lawyer's nightmare,  
24 were stupid, he never should have said them. He wrote you a  
25 letter, I know you read it. But I know he learned a lot from

1 it.

2 One thing I just want to say, your Honor, because I  
3 think it's worth mentioning is, in the letter he's concerned  
4 about everyone else but himself. He says, "Here, I let my son  
5 and my ex-wife's son down. I'm all they have. They deserve  
6 better than me. I'm proud of the man my son Michael has  
7 become. And I count my blessings that I have been able to  
8 raise him. They don't have a large family to support them.  
9 It has always been Michael, Chris, and me. My biggest regret  
10 is that I won't be able to be there for Chris, he graduates  
11 high school next year." Mentioning Chris and not Michael as  
12 his biggest regret.

13 Then, your Honor, I will end with this, in terms of  
14 specific deterrence and whether or not Mr. Bedwell has learned  
15 anything in the last year he's been incarcerated, because  
16 there is no doubt when we first got here he had just been  
17 using obviously and he said those terrible things, which he  
18 denounces and takes back.

19 THE COURT: Which terrible things? There is so  
20 much.

21 MR. SAPONE: There is so much, there is.

22 THE COURT: Terrible things, you mean?

23 MR. SAPONE: Everything, everything he said on the  
24 recording is terrible. And it's selfish. And he denounces  
25 it, your Honor, he takes it all back.

1                   The question is, can a man learn after that? And  
2 he's had a lot of time in here. This is what he says to your  
3 Honor, "I could blame the drugs but you and I both know that  
4 would be a cop out or excuse. I have no excuse for my past.  
5 You, your Honor, were 100 percent right when you said I  
6 minimized my crimes. I have. But you should know that I take  
7 full responsibility for what I have done and I can tell you,  
8 even at 58 years old, I could change thanks to you."

9                   I thank you for listening to me, your Honor.

10                  THE COURT: Thank you. Sir, Mr. Palmieri.

11                  MR. PALMIERI: After following up that, I don't have  
12 much that I can say to your Honor other than this, your Honor.  
13 I have had a ten-year history with Mr. Bedwell, both in  
14 working with him in the union and then in personal  
15 representation with him.

16                  THE COURT: You're in private practice?

17                  MR. PALMIERI: Yes, Judge. And I must reiterate a  
18 lot of what Mr. Sapone has said, in that, like all of us there  
19 is multiple dimensions to Mr. Bedwell. There is the man that  
20 you read about and you heard about from the Government, and we  
21 make no excuse for that. It was bad. It was wrong. It's  
22 reprehensible, all the things that Mr. Sapone just said and  
23 Mr. Spektor said. There is no defense to those at this point.  
24 Mr. Bedwell, though, has admitted them and taken  
25 responsibility for his acts.

1           I had wanted to point out to the Court one thing  
2 that I can say personally because I've been with Mr. Bedwell  
3 for the better part of ten years, and that is that he's not  
4 the same man standing before you today that was the man that  
5 was here or the man that you put in jail when you remanded him  
6 last year. In fact, I got to say, that Mr. Bedwell himself  
7 has let me know that in a strange way you probably saved his  
8 life. That by taking the actions you took, to put him in and  
9 remand him, made him understand what the drug culture was  
10 about, in terms of the people he met in MDC.

11           He's personally told me these things. And I'll put  
12 it to you this way, Judge, we represent a lot of people and  
13 there is a lot of people who you don't necessarily like but  
14 you still have to represent them. I can tell you, I like  
15 Mr. Bedwell. I can tell you that when he talks to me I know  
16 whether he's telling me the truth or whether he's just trying  
17 to soak me. I'm telling you that from speaking to him, this  
18 is not the same man.

19           He has learned a valuable lesson that probably saved  
20 his life. Not only did he recognize this to me, but his son,  
21 Michael, also stated the same, I believe he put it in the  
22 letter. He indicated to the Court that you probably saved his  
23 life.

24           Mr. Bedwell never came across a situation like this  
25 before, where he couldn't either bluster his way through or

1 make his threat or whatever it was that was going to get him  
2 through it. He now ran up to the wall and there was no  
3 turning back. You showed him that, Judge.

4                 He's had the opportunity to understand that there is  
5 a situation here that he can fix, he has the rest of his life  
6 to hopefully make good for that. That's something he put in  
7 the letter, which I know you read.

8                 So in closing, Judge, I don't want to belabor the  
9 point, Mr. Sapone I think covered just about everything I  
10 would have said. In addition, the only thing I can tell your  
11 Honor on a personal level is that I have seen the difference  
12 between the Mr. Bedwell that was incarcerated on May of 2017  
13 and the Mr. Bedwell that stands here this morning.

14                 I believe Mr. Bedwell wants the opportunity to  
15 address you as well I think, your Honor. If you recall what  
16 he was like and where he was when you remanded him, and you  
17 listen to this man today, you will also come to the conclusion  
18 that he's a different person. We would ask you to take all  
19 that what was said into consideration when rendering your  
20 sentence, Judge.

21                 THE COURT: Thank you. Does the Government have  
22 anything else before I turn to Mr. Bedwell?

23                 MR. SPEKTOR: No, your Honor. I don't want -- I  
24 don't have anything. Just very briefly, Judge, I'd say two  
25 things. He clearly has excellent lawyers. I don't want to

1 minimize some of the positive qualities that were mentioned.

2 THE COURT: He does have excellent lawyers. What  
3 would you like to say?

4 MR. SPEKTOR: Yes, your Honor. One thing I'll take  
5 issue with is he cares about the workers; because there are  
6 certainly workers he doesn't care about. It's in the  
7 recording that we provided to your Honor, 1G. He says, "You  
8 got to sign the contract. And the workers don't sign, I can  
9 replace every single one of them without a problem."

10 So there are workers he doesn't care about. I think  
11 your Honor should weigh those workers along with the workers  
12 that have put in letters for him.

13 While I do appreciate Mr. Sapone's analysis of what  
14 happens across the nation in cases that are arise out of  
15 extortion racketeering, I submit there is no case exactly like  
16 this one. This is a case where there were so many victims.  
17 He pled guilty to extorting two victims, but it's been going  
18 on for years. I hope, your Honor, takes that into evaluation  
19 when evaluating the statistics.

20 THE COURT: Mr. Bedwell, is there anything would you  
21 like to say before I sentence you?

22 THE DEFENDANT: Yes, your Honor. I'm not going to get into  
23 all the good stuff, because you've heard all that. There is  
24 no sense going through that. There is one person that seems  
25 to be neglected, that's Officer Borke (ph), my Pretrial

1 Services officer. She had told me, Mr. Bedwell, you have a  
2 good heart but you're heading for disaster. Stop.

3 I pretty much gave her the, whatever, do what you  
4 got to do. I'm sorry for that. She was a good person, she  
5 didn't deserve that. She tried. I blew her off.

6 Other than that, your Honor --

7 THE COURT: Okay. Let me say several things in  
8 advance of actually sentencing the defendant. Obviously,  
9 sentencing is the most difficult job that the Court has. And  
10 this situation is no different because Mr. Bedwell obviously  
11 has certain positive qualities that cannot be ignored.

12 In terms of his caring for his family, his interest  
13 in the workers who were members of Local 175, many of whom  
14 wrote letters, the Court appreciates everything everyone has  
15 said of a positive nature of Mr. Bedwell. I've taken all of  
16 that into consideration.

17 The underlying problem here is that Mr. Bedwell used  
18 his position to intimidate, threaten and extort law abiding  
19 citizens for the benefit of his employer and for his own  
20 benefit. Because if he hadn't, I assume if he hadn't been  
21 building the Local, he would have been pounding the pavement.

22 There is also the issue of his relationship with  
23 someone who had involvement, allegedly, with an organized  
24 crime family. I will tell you, in the confines of this  
25 courtroom where I have tried a good number of members and

1 associates of organized crime in New York City, that that  
2 weighs very heavily upon me. To combine organized crime with  
3 labor is a very, very dangerous formula. It's very troubling  
4 to me.

5 Under 3553(a), the Court must consider numerous  
6 factors in imposing sentence. The nature and circumstances of  
7 the offense, the defendant's history and characteristics, the  
8 need for the sentence to reflect the seriousness of the  
9 offense, to promote respect for the law, and provide just  
10 punishment for the offense, the need to sentence to afford  
11 adequate deterrence, general deterrence and specific  
12 deterrence, and then the need to protect the public. Clearly,  
13 this case touches upon most if not all of those factors.

14 I've reviewed the sentencing documents. I've  
15 considered each of the Section 3553(a) factors in light of the  
16 defendant's use of coercion and force in connection with the  
17 offense to which he pleaded guilty. And considering in  
18 particular the factors of general deterrence and the  
19 importance of punishment for the defendant's behavior. The  
20 Court will sentence the defendant to a guideline sentence,  
21 which I will identify in a moment.

22 I had considered a sentence above the guideline  
23 because of the very, very serious nature of this offense. It  
24 doesn't really matter to the Court whether he's in criminal  
25 history one or criminal history six. The idea that this

1 defendant would oversee the shutting down of workplaces, the  
2 attack on people involved in delivering items to job sites,  
3 shutting down or limiting access to highways in the New York  
4 City area, there is enough going on in the highways, traffic  
5 accidents and so forth that we don't need any help from  
6 individuals who are thugs and goons. But this was part of the  
7 strategy of Mr. Bedwell and Local 175's leadership, obviously,  
8 because he spoke for the union. And the Union did not do  
9 anything, apparently, to restrain him from his involvement in  
10 this kind of extortionate activity.

11 He was the business manager of Local 175. There is  
12 no question in my mind that organized labor is of great  
13 importance to this society as a tool to protect the rights of  
14 workers. And to abuse that, to misuse it, to manipulate it in  
15 the way that it was manipulated in this case is a great  
16 misfortune for our community. Most unions and their employees  
17 behave in a lawful and appropriate way. And this case should  
18 not reflect on the reasonable and appropriate behavior of  
19 organized labor to protect the interests of workers. I want  
20 to make that very clear.

21 The idea that you would engage in extortion to  
22 increase the number of dues-paying workers, certainly was  
23 never contemplated in the National Labor Relations Act.

24 Now, it also put companies that he and his people  
25 targeted at risk and put the general public at risk. The

1 defendant has admitted to many of the incidents of  
2 extortionate behavior that were examples of how he did  
3 business. I'm not going to go into the specifics of his  
4 statements that were recorded, I think the Government has  
5 provided an adequate summary of some of those comments. But,  
6 it is clear that his behavior, his attitude, his statements  
7 were of great concern. and should not only be of concern to  
8 the employers and the employees of those companies, but of  
9 concern to the general public.

10 There is also the interest of the defendant's  
11 caviler attitude towards drugs. After making his initial  
12 appearance before this Court and being released on bail, he  
13 tested positive for cocaine on more than three occasions and  
14 he lied about his cocaine use to Pretrial Services. He  
15 continued to believe that his drug use was unproblematic. He  
16 stated on a recorded jail call, quote, "I don't have a drug  
17 problem. And I don't give a fuck what anybody says. I don't  
18 do coke every day. I still don't care. If I had it in my  
19 hands right now I'd probably do a hit right now. Big deal.  
20 Doesn't even fucking phase me. If I want to fuck off on a  
21 weekend with a couple of guys on a Saturday afternoon, so  
22 what. Evidently, it's a big fucking deal," end quote. And he  
23 knew he was being recorded.

24 So who's the real Mr. Bedwell? The man who wrote me  
25 a letter or the man who made that statement? I hope it's the

1 man who wrote me this letter.

2 THE DEFENDANT: Your Honor, if I may?

3 THE COURT: I'm not done.

4 THE DEFENDANT: Other --

5 THE COURT: Moreover, the defendant was associated  
6 with an organized crime figure. He reported to Anthony  
7 Franco, a made member of the Gambino, or associate, who knows  
8 when it was that he was made a member, if he was made a member  
9 of the Gambino crime family. The defendant's victims were  
10 fearful not only of the defendant's pension for destructing  
11 work projects, but also his connections to organized crime.  
12 He extorted one contractor by having Franco accompany him to a  
13 meeting with the contractor. So all of this weighs on the  
14 Court's consideration.

15 I think the importance of general deterrence is by  
16 far the most important factor in this particular sentencing.  
17 Did you want to say something else? Certainly I'll be happy  
18 to hear from you.

19 THE DEFENDANT: Okay, your Honor, on the point about the phone  
20 call and not caring, honestly I didn't at that time.

21 THE COURT: You did it.

22 THE DEFENDANT: I did not.

23 THE COURT: Did not what?

24 THE DEFENDANT: Did not care, I really did not. I'm going to  
25 be honest with you.

1                   THE COURT: It sounded like that way.

2 THE DEFENDANT: And two months after that I still didn't care.  
3 But what happened was, just so you know for yourself, when  
4 somebody tells you that they killed a 17-year old kid over a  
5 drug deal that makes you think a little bit. Maybe not so  
6 much as doing the coke itself, but somehow or another that  
7 could be involved with that because you're portraying yourself  
8 as something when you're not or whatever. That's what made me  
9 think more carefully about what was going on in my life. Not  
10 so much about the use of cocaine, not you locking me up. The  
11 fact that somebody got killed over it and admitted to it and  
12 didn't care.

13                  THE COURT: Okay. In consideration of that comment  
14 let me just say, that working in a union where the members do  
15 construction, asphalt work, they are in the construction  
16 trades, you're not dealing with people who are generally  
17 educated to the extent that they have Ph.D's or they have  
18 graduated from even a junior college. These are people with  
19 whom you have a relationship, and it's a much more down to  
20 earth kind much relationship. So obviously, you've had  
21 experience in dealing with people with all kinds of  
22 backgrounds.

23                  And I find it difficult to accept that a person who  
24 has been using drugs for 40 years and buying them from  
25 somebody, doesn't have a basic understanding that drug

1 trafficking involves crime including robbery, including  
2 murder, and attempted murder. All you have to do is read the  
3 New York Post or the Daily News once in a while to know that  
4 this happens all the time. So I really don't accept this idea  
5 that you had a moment of zen because somebody told you that  
6 somebody was killed over a drug deal.

7                   Are you ready to be sentenced?

8 THE DEFENDANT: Yes, sir.

9                   THE COURT: I sentence you as follows: Sixty months  
10 in the custody of the Attorney General, three years of  
11 supervised release with the following special conditions. You  
12 shall not possess a firearm, ammunition or destructive device.

13                  You shall not associate in person, through mail,  
14 electronic mail, or telephone with any individual with an  
15 affiliation to any my organized crime group, gang or other  
16 criminal enterprise. Nor shall you frequent any establishment  
17 or locale where these groups may meet, pursuant but not  
18 limited to a prohibition list provided by the Probation  
19 Department.

20                  You shall not be employed in any position in  
21 management or otherwise with a union or other organized labor  
22 organization during the period of your supervision. You shall  
23 participate in an out-patient drug treatment program approved  
24 by the U.S. Probation Department. You shall contribute to  
25 such treatment not to exceed an amount determined reasonable

1 by the Probation Department's sliding scale for substance  
2 abuse treatment services. And shall cooperate and securing  
3 any applicable third-party payment such as insurance or  
4 Medicaid.

5 You shall disclose all financial information and  
6 documents to the Probation Department to assess your ability  
7 to pay. You shall not consume any alcohol or other  
8 intoxicants during and after treatment, unless with a  
9 prescription by a licensed physician and proof of the same is  
10 provided to the Probation Department.

11 You shall submit to testing during and after  
12 treatment to ensure absence from drugs and alcohol.

13 In addition, there is a \$100 special assessment,  
14 which is mandatory. I'm not imposing a fine, you do not  
15 appear to have the ability to pay a fine.

16 I note that you agreed not to appeal or otherwise  
17 challenge the sentence I impose upon you if it is 71 months or  
18 below. However, you have the right to appeal your sentence to  
19 the United States Court of Appeals for the Second Circuit if  
20 you believe the Court has not followed the law in sentencing  
21 you. I point out that your right to appeal may be affected by  
22 your contractual agreement with the Government, which limits  
23 your right to appeal. You should discuss with your attorneys  
24 at once whether an appeal will be worthwhile in as much as  
25 your time to appeal is so severely limited to 14 days.

1                   Do you understand your right to appeal?

2 THE DEFENDANT: Yes, sir.

3                   THE COURT: Are there open counts?

4                   MR. SPEKTOR: Yes, your Honor. The Government moves  
5 to dismiss Counts One through Three, Five and Six.

6                   THE COURT: The Government's motion is granted.

7                   Is there anything else from the Government for  
8 today?

9                   MR. SPEKTOR: No, your Honor.

10                  THE COURT: In terms of destination, is there any  
11 request?

12                  MR. PALMIERI: We would ask if Mr. Bedwell could be  
13 sent to Danbury facility, in Danbury Connecticut or any other  
14 facility that's close to the State of New York so that his  
15 family could visit with him.

16                  THE COURT: All right. I can recommend but I cannot  
17 require that the defendant be designated by the Bureau of  
18 Prisons to a facility in the New York Metropolitan area,  
19 either the Danbury y facility or another facility in this  
20 locale.

21                  Anything else?

22                  MR. SAPONE: Yes, your Honor, one more thing.  
23 Counsel notes that because of the type of offense this is,  
24 that Mr. Bedwell currently is not eligible for the RDAP  
25 program. But I also note that things are ever-changing in the

1 Bureau of Prisons, and I believe that he could benefit from  
2 the RDAP program. So my request to the Court is, to the  
3 extent that he is eligible or shall become eligible based on  
4 this record of the 40 years of cocaine use, that this could be  
5 recommended if he's eligible.

6 MR. SPEKTOR: No objection.

7 THE COURT: Your application is granted.

8 MR. SAPONE: Thank you.

9 THE DEFENDANT: Thank you, sir.

10 THE COURT: Anything else?

11 MR. SAPONE: I wish everyone well. Thank you.

12 THE COURT: Good luck, sir.

13 (Whereupon, the matter was concluded.)

14 \* \* \* \*

15 I certify that the foregoing is a correct transcript from the  
16 record of proceedings in the above-entitled matter.

17 Rivka Teich, CSR RPR RMR FCRR  
18 Official Court Reporter

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